IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.31042-M of 2005
Date of Decision:- 19.07.2007

Gurpreet Singh & ors. ....Petitioner(s)

through
Mr.Sunil Chadha, Advocate

vs.

Manjit Kaur ....Respondent(s)

through
Mr.Suveer Sheokand, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition under Section 482 Cr.P.C. is for quashing of complaint No.384 dated 21.12.2001 under Sections 498-A, 406 IPC (Annexure P-5) pending in the Court of learned Chief Judicial Magistrate, Kapurthala, summoning order dated 12.1.2002 (Annexure P-6) passed in the said complaint (Annexure P-5) as well as all the subsequent proceedings taken in pursuance thereon.

The parties are present in Court and have got recorded their respective statements. Respondent, Manjit Kaur, on oath, has given her statement that she was married to Gurpreet Singh, petitioner No.1, on 29.11.1996 and out of their wedlock, a male child was born on 27.5.1998. However, due to temperamental differences, they are living separately from each other. She had filed criminal complaint under Section 406/498-A IPC in which the petitioners were summoned to face trial and that some

cases were also filed by the petitioners. She has stated that now with the intervention of the respectables, she and petitioner No.1 have entered into a compromise as a result of which, she has been paid all the dues. In the end, she has stated that she has no objection if the criminal complaint, the quashing of which has been sought in the instant petition, is quashed by this Court. Petitioner No.1, Gurpreet Singh, i.e. husband of respondent Manjit Kaur, in his statement has acknowledged and accepted the statement of respondent-wife Manjit Kaur.

In view of the aforementioned stand taken by the parties and having regard to the principles laid down by the Apex Court in **B.S.Joshi and others vs. State of Haryana and another,** 2003 (2) RCR (Crl.) 888, this petition is allowed and the impugned complaint No.384 dated 21.12.2001 under Sections 498-A, 406 IPC (Annexure P-5) pending in the Court of learned Chief Judicial Magistrate, Kapurthala, summoning order dated 12.1.2002 (Annexure P-6) passed in the complaint (Annexure P-5) as well as all the subsequent proceedings taken thereon, are hereby quashed.

July 19, 2007 **(SURYA KANT)**
poonam **JUDGE**

Statement of Manjit Kaur daughter of S.Singara Singh resident of H.No.18, Model Town, Kapurthala City (on S.A.).

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I was married to petitioner No.1 on 29.11.1996 and a male child was born on 27.5.1998. However, due to temperamental differences, I and petitioner No.1 started living separately. Thereafter, I filed criminal complaint under Sections 406/498-A IPC in which the petitioners were summoned and are facing trial.

Meanwhile, some cases were filed by the petitioners also. With the intervention of respectables, I and petitioner No.1 have entered into a compromise and as per the said compromise, I have been paid all the dues. I have no objection if the impugned criminal complaint filed by me is quashed by this Court.

R.O.& A.C. **(SURYA KANT)**
July 19, 2007 **JUDGE**

Statement of Gurpreet Singh son of Sh.Raj Paul Singh, resident of H.No.94, Prem Nagar, Karnal (on S.A.).

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I have heard the statement made by the respondent and I accept the same to be correct.

R.O.& A.C. **(SURYA KANT)**
July 19, 2007 **JUDGE**